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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,107	11/09/2001	Nicholas V. Iuppa	01-592-US	2941

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EXAMINER

HARRIS, CHANDA L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 02/12/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,107

Applicant(s)

FAST ET AL.

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-118 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41, 53-54, 66-67, 74-75, 83-84, 95-96, 100-108, 112-118 is/are rejected.
- 7) ☒ Claim(s) 42-52, 55-65, 68-73, 76-82, 85-94, 97-99 and 109-111 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>17</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the Amendment filed on 11/21/03, Claims 1-118 are pending.

Information Disclosure Statement

In response to Applicant's remarks filed 11/21/03 and the Information Disclosure Statement filed 11/21/03, the documents are marked through because Examiner has not received copies of them.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 102, 104, 114, and 116 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 102, 104, 114, and 116 recite the limitation "the feedback" in Line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 9-17, 19-22, 24-27, 29-40, 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook et al. (US 5,727,950).

1. [Claims 1,11,21,26,38,40,53]: Regarding Claims 1,11,21, 26, 38, 40, 53, Cook discloses generating or providing simulation content. See Col.31: 27-32. Cook discloses delivering the simulation content (via materials engine) to one or more participants via a computer network. See Col.8: 5-10 and Col.10: 45-50. Cook discloses monitoring the one or more participants' responses to the simulation content (i.e. instruction). See Col.12: 20-23. Cook discloses providing feedback to the one or more participants. See Col.5: 46-48. Cook discloses comparing the one or more participants' responses with the representation of expected responses to the simulation content (e.g. whether the answer is completely wrong or only a near miss). Cook discloses generating a representation of expected responses (e.g. multiple choice) to the simulation content. See Claim 65. Cook discloses altering the simulation content (e.g. next display object) in response to the one or more participants' responses (i.e. student input). See Col.37: 59-61. Cook discloses providing feedback to the one or more participants based upon dramatic goals (i.e. the next display object being chosen

in response to student input) of the simulation. See Col.37: 59-61. The next display object being chosen in response to student input is considered to be an action or decision made by a participant to cause changes in a simulated environment causing the system to achieve a dramatic goal.

2. [Claims 2,12,22,27,32]: Regarding Claims 2,12, 22, 27, and 32, Cook discloses generating one or more synthetic characters (e.g. agent, personae, actors). See Col.5: 64-Col.6: 12.

3. [Claims 3,13]: Regarding Claims 3 and 13, Cook discloses wherein the feedback is provided by the one or more synthetic characters. See Col.5: 46-48.

4. [Claims 4,14]: Regarding Claims 4 and 14, Cook discloses wherein the one or more synthetic characters are used to alter the simulation content. See Col.6: 57-64.

5. [Claims 5,15]: Regarding Claims 5 and 15, Cook discloses wherein the feedback is provided by an instructor (i.e. agent). See Col.5: 46-48, Col.5: 64-Col.6: 12, and Col.6: 57-64.

6. [Claims 6, 16]: Regarding Claims 6 and 16, Cook discloses alerting an instructor of the one or more participants' responses when the one or more participants' responses deviate from the representation of the expected responses to the simulation content. See Col.13: 46-64 and Col.14: 8-16. A deviation from the representation of the expected responses to the simulation content is considered to be an error.

7. [Claims 7,17]: Regarding Claims 7 and 17, Cook discloses altering the simulation content (e.g. next display object) in response to the one or more participants' responses (i.e. student input). See Col.37: 59-61.

8. [Claims 9,19,24,29,37]: Regarding Claims 9,19, 24, 29, and 37, Cook discloses delivering immersive audio to the one or more participants (e.g. via movies, audible display items, voice, audio, etc.). See Col.11: 67-Col.12: 3. The movies, audible display items, voice, and audio in Cook are considered to be immersive audio.

9. [Claims 10,20,25,30]: Regarding Claims 10,20, 25, and 30, Cook discloses wherein the computer network comprises the Internet. See Col.6: 55-56.

10. [Claim 31]: Regarding Claim 31, Cook discloses a database containing simulation content. See Col.21: 64-66. Cook discloses one or more participant workstations (i.e. network connected computers) and one or more participant interfaces connecting the web server to the respective one or more participant workstations. See FIG.1 and Col.5: 12-17. Cook discloses a web server for delivering the simulation content to the one or more participant workstations. See Col.6: 50-56. Cook discloses an instructor interface for displaying information to an instructor and receiving input from the instructor (i.e. teacher/administrator, agent, instructional designer). See Col.29: 41-Col.31-34. Cook discloses an artificial intelligence engine (i.e. materials engine) for analyzing input into the one or more participant workstations and presenting the simulation content in response to the input to achieve dramatic goals of the simulation. See Col.37: 59-61. The next display object being chosen in response to student input is considered to be an action or decision made by a participant to cause changes in a simulated environment causing the system to achieve a dramatic goal. Cook discloses generating a representation of expected responses (e.g. multiple choice) to the simulation content.

11. [Claim 33]: Regarding Claim 33, Cook discloses wherein the one or more synthetic characters are represented by digital video. See Col.6: 13-20. Digital video would be an inherent feature of Cook's invention.

12. [Claims 34-35]: Regarding Claims 34 and 35, Cook discloses wherein the one or more synthetic characters are represented by one or more static photographs (i.e. graphics) and wherein the one or more synthetic characters are represented by a plurality of articulation photographs (i.e. animation). See Col.6: 18-20.

13. [Claim 36]: Regarding Claim 36, Cook discloses one or more authoring tools for generating additional simulation content. See Col.12: 28-34.

14. [Claim 39]: Regarding Claim 39, Cook discloses a system activity database for logging information generated in response to the simulation content (i.e. materials specific progress data). See Col.15: 6-8.

Claims 1-2,4, 8-12, 14, 18-30, 40-41, 53-54, 66-67, 74-75, 95-96,100-103, 105-108, 112-115, 117-118 are rejected under 35 U.S.C. 102(e) as being anticipated by Siddle (US 2003/0031986).

1. [Claims 1,11,21,26,40,53,66,74,95,107-108]: Regarding Claims 1,11, 21, 26, 40, 53, 66, 74, 95, and 107-108, Siddle discloses generating simulation content (i.e. firearms training simulation). See Abstract. Siddle discloses delivering the simulation content to one or more participants via a computer network (e.g. Internet). See Abstract and p.3, [0022]. Siddle discloses monitoring the one or more participants' responses to the simulation content (i.e. tracking trainee performance). See p.1 [0007]. Siddle

discloses generating a representation of expected responses (i.e. performance standard). See p.4, [0033]. Siddle discloses providing feedback to the one or more participants. See p.4 [0031-0032]. Siddle discloses comparing the one or more participant's responses with the representation of expected responses to the simulation content (i.e. performance standard). See p.4, [0033]. Siddle discloses altering the simulation content in response to the one or more participants' responses. See p.4, [0031]. Siddle discloses providing feedback to the one or more participants based upon dramatic goals of the simulation (i.e. enhance simulation effect). See p.4, [0031]. Siddle discloses providing simulation content, wherein said simulation content comprises dramatic character driven story based simulation content. See p.3, [0022].

2. [Claims 2,12,22,27,101,113]: Regarding Claims 2,12, 22, 27, 101, and 113, Siddle discloses generating one or more synthetic characters (i.e. actors). See p.3, [0022].

3. [Claims 4, 14]: Regarding Claims 4 and 14, Siddle discloses wherein the one or more synthetic characters (i.e. trainee) are used to alter the simulation content. See p.4, [0031].

4. [Claims 8,18,23,28]: Regarding Claims 8,18, 23, and 28, Siddle discloses wherein the simulation content depicts military scenarios (i.e. firearms training, mission and/or duty to which a trainee is assigned). See p.3, [0021]. Firearms training and depicting a mission and/or duty to which a trainee is assigned is considered to be a military scenario.

5. [Claims 9,19,24,29]: Regarding Claims 9,19, 24, and 29, Siddle discloses the step of delivering immersive audio (e.g. different audio) to the one or more participants. See p.4, [0031]. The audio disclosed in Siddle is considered to be immersive.
6. [Claims 10,20,25,30,105,117]: Regarding Claims 10,20, 25, 30, 105, and 117, Siddle discloses wherein the computer network comprises the Internet. See Abstract.
7. [Claims 41,54,67,75]: Regarding Claims 41,54, 67, and 75, Siddle discloses wherein the step of providing simulation content comprises providing dramatic character driven story based simulation content. See p.3, [0022].
8. [Claim 96]: Regarding Claim 96, Siddle discloses presenting the simulation content in response to the one or more participants' responses. See p.4, [0031].
9. [Claims 100,112]: Regarding Claims 100 and 112, Siddle discloses wherein said simulation is a training exercise (e.g. training in marksmanship skills) or a gaming exercise. See p.3, [0021].
10. [Claims 102,114]: Regarding Claims 102 and 114, Siddle discloses wherein feedback is provided by one or more of the synthetic characters (e.g. trainee response). See p.4, [0031].
11. [Claims 103,115]: Regarding Claims 103 and 115, Siddle discloses wherein the one or more synthetic characters (i.e. actors) are used to present simulation content. See p.3, [0023].
12. [Claims 106,118]: Regarding Claims 106 and 118, Siddle discloses wherein the step of delivering the simulation content comprises using multimedia technology for creating a realistic environment. See p.4, [0031].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41, 54, 66-67, 74-75, and 83-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Hale (US 2001/0049087).

1. [Claims 41, 54]: Regarding Claims 41 and 54, Cook does not disclose expressly wherein the step of providing simulation content comprises providing dramatic character driven story based simulation content (i.e. create and act out plays). However, Hale teaches such on p.10, [0119]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Cook, in light of the teaching of Hale, in order to allow students to use their creativity in building a three-dimensional world. Examiner has established a teaching, suggestion, or motivation to combine or modify the prior art to produce the claimed invention. See Hale p.10, [0119]. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time

the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

2. [Claims 66,74,83]: Regarding Claims 66,74, and 83, Cook discloses providing simulation content. See Col.31: 27-32. Cook discloses generating a representation of expected responses (e.g. multiple choice) to the simulation content. See Claim 65. Cook discloses delivering the simulation content (via materials engine) to one or more participants via a computer network. See Col.8: 5-10 and Col.10: 45-50. Cook discloses monitoring the one or more participants' responses to the simulation content (i.e. instruction). See Col.12: 20-23. Cook discloses comparing the one or more participants' responses with the representation of expected responses to the simulation content (e.g. whether the answer is completely wrong or only a near miss). See Col.13: 51-61. Cook discloses altering the simulation content (e.g. next display object) in response to the one or more participants' responses (i.e. student input) based upon dramatic goals of the simulation. See Col.37: 59-61. The next display object being displayed in response to student input is considered to be a dramatic goal. Cook discloses a database containing simulation content (i.e. instructional materials.). See Col.18: 30-32. Cook discloses one or more participant workstations (i.e. network computers or multimedia PCs). See Col.7: 59-67. Cook discloses a web server (i.e. World Wide Web) for delivering the simulation content to the one or more participant workstations. See Col.6: 50-56. Cook discloses an instructor interface (i.e. teacher/administrator-system interface) for displaying information to an instructor and

receiving input from the instructor. See Col.29: 41-Col.31: 20. Cook discloses one or more participant interfaces (i.e. student-system interface) connecting the web server to the respective one or more participant workstations. See Col.23: 29-Col.24: 2. Cook discloses an artificial intelligence engine (i.e. agent software) for analyzing input into the one or more participant workstations and altering the simulation content in response to input. See Col.9: 26-29. Cook discloses an artificial intelligence engine (i.e. materials engine) for analyzing input into the one or more participant workstations and presenting the simulation content in response to the input to achieve dramatic goals of the simulation. See Col.37: 59-61. The next display object being chosen in response to student input is considered to be an action or decision made by a participant to cause changes in a simulated environment causing the system to achieve a dramatic goal.

3. [Claims 67,75,84]: Regarding Claims 67,75, and 84, Cook does not disclose expressly wherein the step of providing simulation content comprises providing dramatic character driven story based simulation content (i.e. create and act out plays). However, Hale teaches such on p.12, [0119]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Cook, in light of the teaching of Hale, in order to allow students to use their creativity in building a three-dimensional world. . Examiner has established a teaching, suggestion, or motivation to combine or modify the prior art to produce the claimed invention. See Hale p.10, [0119]. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on

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obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Claims 104 and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siddle in view of Cook.

[Claims 104, 116]: Regarding Claims 104 and 116, Siddle does not disclose expressly wherein the feedback is provided by an instructor (i.e. agent). However, Cook teaches such in Col.5: 46-48, Col.5: 64-Col.6: 12, and Col.6: 57-64. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate feedback by an instructor into the method and system of Siddle, in light of the teaching of Cook, in order to aid in instruction.

Allowable Subject Matter

Claims 42-52, 55-60, 61-65, 68-73, 76-82, 85-94, 97-99, and 109-111 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 11/21/03 have been considered and are addressed above and include(s) in some instances a new grounds of rejection. Therefore, this action is made NON-FINAL.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dowdell et al. (US 2002/0146667)
 - immersive simulation
- Lotecka (US 6,296,487)
 - dramatic goals
- Brelis et al. (US 6,544,040)
 - presenting a narrative
- Deniuos et al. (US 6,622,003)
 - scenarios in an electronic course

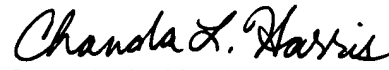
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chanda L. Harris
Examiner
Art Unit 3714

ch.